

## **FISCAL NOTE**

### **SB 2235 - HB 2314**

March 15, 2007

**SUMMARY OF BILL:** Increases the penalty for the Class A felony offense of rape of a child with a sentencing range of 15 to 60 years to a minimum of 25 years. Such offender shall remain on community supervision for the remainder of the person's life and may not petition a court for release from that supervision.

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$7,690,700 / Incarceration\***

**(Funding of \$7,690,700 is included in the Governor's FY07-08 Recommended Budget)**

Assumptions:

- An average of 64 persons has been convicted of rape of a child in each of the past five years, according to the Administrative Office of the Courts (60), and the Department of Correction (DOC) (68). The average age of each offender is 39 years, and the life expectancy of each offender is 70 years. Persons convicted of this offense currently serve an average of 20 years. According to the U.S. Census Bureau, population growth in Tennessee has averaged 1.09 percent per year for the past ten years.
- Sixty-four persons will be convicted for the offense of rape of a child in the first year, and by the tenth year, due to population growth, this number will increase to 70 offenders. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 70 offenders serving additional time on their sentences. According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16.
- Seventy offenders will serve an additional five years (an increase from 20 years to a minimum of 25 years). The cost per inmate at 20 years is \$439,468.80 (\$60.16 x 7,305 days). The cost per inmate at 25 years is \$549,336 (\$60.16 x 9,131.25 days). The additional cost from increasing the average sentence length from 20 years to 25 years is \$109,867.20 (\$549,336 - \$439,468.80). The total additional operating cost for 70 offenders is \$7,690,704 (\$109,867.20 x 70).

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- According to the Board of Probation and Parole (BOPP), this bill will not impact the number of persons requiring supervision by BOPP or the length of time such persons are supervised. Existing law requires lifetime community supervision for persons convicted of rape of a child.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director